

EXHIBIT N

Deposition Transcript of Alexander Leuthauser

Alexander Leuthauser, 4/19/2021

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Michele Leuthauser,) Case No.
4 Plaintiff,) 2:20-cv-479-JCM-VCF
5)
6 vs.)
7 United States of)
8 America; Unknown)
Transportation Security)
Administration Officer,)
Defendants.)

)

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4 DEPOSITION OF ALEXANDER LEUTHAUSER

5 Taken on Monday, April 19, 2021

6 By a Certified Court Reporter

At 9:00 a.m.

8 Via Web-Based Videoconferencing

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25 Reported by: Suzanne M. Stone, CCR 970, RPR

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1 APPEARANCES (via Videoconferencing):

2
3 For the Plaintiff:

4 JONATHAN CORBETT, ESQ.
5 The Law Office of Jonathan Corbett, Esq.
6 958 North Western Avenue
7 Suite 765
8 Hollywood, California 90029

9
10 For the Defendants:

11 BRIANNA SMITH, ESQ.
12 United States Attorney's Office
13 501 Las Vegas Boulevard South
14 Suite 1100
15 Las Vegas, Nevada 89101

16 Also Present:

17 KRISTA MAIZEL, ESQ.
18 Transportation Security Administration

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I N D E X

2 WITNESS

PAGE

3 ALEXANDER LEUTHAUSER

4 Examination by Ms. Smith

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7

8 E X H I B I T S

9 NUMBER DESCRIPTION MARKED

10 (No exhibits were marked.)

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P R O C E E D I N G S

2

THE REPORTER: Good morning. My name is
3 Suzanne Stone. I am a Nevada Certified Court
4 Reporter here on behalf of Free State Reporting. My
5 CCR number is 970.

6

Today's date is April 19, 2021. The time
7 is approximately 9:00 a.m.

8

This is the deposition of Alexander
9 Leuthauser in the matter of Michele Leuthauser v.
10 United States of America, et al., venued in the
11 United States District Court, District of Nevada,
12 Case Number 2:20-cv-479-JCM-VCF.

13

At this time, I will ask counsel to
14 identify themselves, state whom they represent, and
15 agree on the record that there is no objection to
16 this deposition officer administering a binding oath
17 to the witness through remote videoconferencing. If
18 no objection is stated, we will proceed forward with
19 the agreement of all counsel. We will begin
20 appearances with the noticing attorney.

21

MS. SMITH: Good morning. Brianna Smith
22 on behalf of the United States and Anita Serrano.
23 No objection. And also present is Krista Maizel,
24 and she is an attorney for the TSA.

25

MR. CORBETT: Good morning. Jonathan

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1 Corbett here representing Michele and Alexander
2 Leuthauser. No objection.

3 THE REPORTER: Will the witness please
4 raise your right hand to be sworn.

5 (Witness sworn.)

6 ALEXANDER LEUTHAUSER,
7 having been first duly sworn, was
8 examined and testified as follows:

9 EXAMINATION

10 BY MS. SMITH:

11 Q. Good morning, Mr. Leuthauser. We met
12 last -- well, not last week, but the week before,
13 and as you already know, I represent the United
14 States and Anita Serrano in this action. And we're
15 here to take your deposition today in connection
16 with that case.

17 Do you understand that?

18 A. Yes, I do.

19 Q. Okay. It seems like we're having a
20 little bit of a lag, at least on my end, but I can
21 hear you okay. So if you have an issue with hearing
22 me, just let me know. Okay?

23 A. It seems quite all right for now.

24 Q. Okay. Sounds good.

25 The oath that you just gave the court

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1 reporter is the same oath that you would give in a
2 court of law; therefore, all of your testimony today
3 has to be truthful.

4 Do you understand that?

5 A. Yes, I do.

6 Q. Okay. Could you just go ahead and state
7 and spell your name for the record.

8 A. It is Alexander Leuthauser. And my first
9 name is spelled A-L-E-X-A-N-D-E-R. Last name is
10 spelled L-E-U-T-H-A-U-S-E-R.

11 Q. Okay. Now, because you were present for
12 your wife's deposition -- it was not last Friday,
13 but the following one -- I'm going to kind of
14 curtail the rules of the road a little bit. Some
15 may come up periodically, but just a couple of the
16 important ones for the court reporter, especially
17 today since we are remote, just making sure that all
18 of your responses are audible, no shaking of the
19 head, things like that.

20 Also, I will do my best not to cut you
21 off, and likewise, just make sure that you try to do
22 your best with me. If that happens, if we talk over
23 each other, what I'll try to do is restate the
24 question. Okay? And really that's just so we can
25 make sure that we have a very good transcript at the

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1 end of this. Okay?

2 A. Okay.

3 Q. All right. Now, because we are remote,
4 it really doesn't proceed any differently than it
5 did before in a court reporting office or as it
6 would proceed in a trial. Okay? And so what that
7 means is just to make sure that all of your
8 testimony is just from your personal knowledge.

9 Do you have anything in front of you
10 today?

11 A. No, I do not.

12 Q. Okay. Just the laptop?

13 A. Just my phone.

14 Q. Oh, you're doing it from your phone.
15 Very well, okay.

16 So no notes or anything like that in
17 front of you? Just want to make sure.

18 A. No, ma'am.

19 Q. Okay. Thank you. You know, when we're
20 in person, it's a lot easier to tell; so we just
21 like to make sure that, you know, you're not looking
22 at the answers to the test or anything.

23 A. Absolutely. I understand.

24 Q. All right. Now, another thing that
25 happens more than once in these proceedings is a

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1 question of mine may not be clear. And if that
2 happens, will you just let me know, "Hey, Ms. Smith,
3 I don't understand. Just rephrase it." And I'll do
4 my best. Okay?

5 A. Absolutely.

6 Q. All right. Now, you heard some of the
7 stock questions that we ask everybody. You heard me
8 ask your wife when you were sitting there, and I'm
9 going to do a couple of them.

10 Are you taking any medications or any
11 substances that would affect your ability to testify
12 truthfully today?

13 A. No, I'm not.

14 Q. Any medications or substances that would
15 affect your memory at all as it relates to
16 remembering things for this deposition today?

17 A. No.

18 Q. Okay. Any other reason that you feel
19 like you can't give us your full and truthful
20 testimony today?

21 A. No, ma'am.

22 Q. Now, as I mentioned, you know, in the
23 other deposition, that you're welcome to take a
24 break. You know, this isn't a marathon or anything.
25 I don't expect it to be all that long, but if you

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1 need a break, just let me know and we will do so. I
2 just ask that you answer the question if there is
3 one pending at the time you ask for a break. Do you
4 understand that?

5 A. Yes, I do. Thank you.

6 Q. And then finally, there may be an
7 objection lodged by your counsel. I understand
8 you're being represented today by Mr. Corbett. Is
9 that right?

10 A. Yes, I am.

11 Q. Okay. And so he may have an objection
12 from time to time, and, by and large, most of the
13 objections you're still free to answer afterwards,
14 after the objection is made; however, if it is
15 attorney-client privilege or any other privilege
16 like that, he may instruct you not to answer and so
17 we'll proceed in that way.

18 Do you understand that?

19 A. Yes, I do.

20 Q. Okay. All right. So what did you do
21 today to prepare for your deposition, if anything?

22 A. Absolutely nothing. Woke up, had some
23 coffee. That was about it.

24 Q. Okay. Very well. So you didn't review
25 any documents or any video, anything like that?

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1 A. No, I did not.

2 Q. Now, I'm not asking you to tell me any
3 conversations you've had with counsel, but did you
4 speak to your attorney in preparation for your
5 deposition today?

6 A. No, I did not. The only conversation
7 we'd had was just prior to my wife's testimony.

8 Q. Understood. Okay.

9 Now, other than your attorney, your wife,
10 other than those two, have you spoken to anybody
11 else in preparation of your deposition today?

12 A. No, I have not.

13 Q. Okay. Now, have you ever personally
14 filed a lawsuit before?

15 A. Yes, I have.

16 Q. On how many occasions?

17 A. Just once.

18 Q. And what was the nature of that case?

19 A. It was just a car accident.

20 Q. Was that the same car accident that
21 Ms. Leuthauser was in, that she had sued for, or is
22 this a different accident?

23 A. It is the same accident.

24 Q. So is it fair for me to assume that you
25 were both like, quote/unquote, "plaintiffs," you're

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1 two individuals suing in the same case?

2 A. Yes, that's it. And it also just went to
3 settlement. It never actually went to court; so --

4 Q. Okay. Gotcha.

5 Now, have you ever been sued before,
6 meaning somebody is bringing a lawsuit against you
7 personally?

8 A. Not that I'm aware of.

9 Q. Have you been convicted of a crime in the
10 last ten years?

11 A. No, I have not.

12 Q. Any convictions for crimes of dishonesty?

13 A. No.

14 Q. What is your date of birth?

15 A. [REDACTED] [REDACTED] [REDACTED].

16 Q. Okay. And did you go to college?

17 A. Yes, I did.

18 Q. Could you just give us a brief thumbnail
19 sketch of your educational background.

20 A. It was obviously high-school diploma and
21 then an associate of applied science in criminal
22 justice as well as Law Enforcement Academy.

23 Q. Okay. Very good. And where did you get
24 your criminal -- was it a degree that you received
25 in criminal justice?

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1 A. Yes, an AAS.

2 Q. And that was from a college, I assume?

3 A. Yes, Western Nevada College.

4 Q. Okay. Where is Western Nevada College
5 located?

6 A. Carson City, Nevada.

7 Q. Okay. Are you originally from that area?

8 A. Not born but for the most part lived
9 there most of my life.

10 Q. Okay. Now, where are you currently
11 working?

12 A. As of right now, I am unemployed.

13 Q. Sorry to hear that.

14 A. Oh, no, it's all good.

15 Q. It's not that bad? You're taking it
16 easy?

17 A. Yep.

18 Q. That's good.

19 When is the last time you were employed?

20 A. Oh, I just -- my last day was the 14th.

21 Q. Okay. Yeah, I remember Michele saying
22 that you were employed as a security guard. Is that
23 right?

24 A. Yes, that's correct.

25 Q. And what was the company name?

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1 A. JDSS Investments.

2 Q. And did you depart JDSS Investments
3 voluntarily?

4 A. Yes, I did.

5 Q. And how long were you employed by JDSS?

6 A. Approximately 18 months.

7 Q. And where did you work before JDSS?

8 A. That would be The Signature at MGM Grand;
9 so MGM Resorts International.

10 Q. In what capacity did you work for MGM?

11 A. I was also a security guard for them as
12 well as a guest services supervisor.

13 Q. And how long did you work for MGM for?

14 A. Approximately five to six years on and
15 off.

16 Q. And I recall when we were taking
17 Ms. Leuthauser's deposition that she mentioned you
18 worked for a sheriff's office?

19 A. I did indeed.

20 Q. And how long ago did you work for that
21 office?

22 A. From 2002 to 2006, I worked for Carson
23 City Sheriff's Department, and then from late 2006
24 into 2007, I worked for San Francisco Sheriff's
25 Department.

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1 Q. I'm sorry. I didn't catch the dates for
2 the -- was it San Francisco?

3 A. Yes, it was. It was -- I believe it was
4 late 2006 to like mid-2007.

5 Q. Okay. And the Carson City Sheriff's
6 Office, was that where Ms. Leuthauser had said she
7 had volunteered for?

8 A. Yes, ma'am.

9 Q. What was your job at the Carson City
10 Sheriff's Office?

11 A. I was a deputy sheriff and a field
12 training officer.

13 Q. Any reason why you transitioned from
14 sheriff's deputy to security guard?

15 A. Yeah, it's -- I got extraordinarily tired
16 of being a police officer.

17 Q. All right. I understand that.

18 Now, can you just tell us from your
19 experience at Carson City Sheriff's Office and the
20 San Francisco office, what was the procedure for
21 performing pat-downs for those offices?

22 A. In regards to what?

23 Q. Well, I want to know what the procedure
24 was when you would need to pat down sensitive areas.

25 A. On a woman?

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1 Q. Well, so did you pat down women as well?

2 A. Yes, I did.

3 Q. And are the pat-downs different on women
4 than they are for men?

5 A. Yes, they are.

6 Q. Okay. Why don't you describe for me what
7 the procedure was for patting down women
8 specifically.

9 A. Women, if it was a sensitive area, as you
10 related, it would be the back of my hand, and that
11 would be underneath -- as far as the groin area
12 would be the back of my hand as well as underneath
13 your breasts it would be the back of my hand.

14 Q. Okay. And so on the note of the groin
15 area, is it similar in that you have to pat down the
16 inner thighs and go up until you meet resistance as
17 well?

18 A. As far as a woman, go up -- I'm sorry.

19 Could you rephrase that for me?

20 Q. Yeah. Well, why don't you just tell me
21 what the procedure is for patting down a groin area
22 specifically for a female.

23 A. As I said, on the woman, it's going to be
24 -- I'm using -- I'm using my -- the palm of my hand
25 until, I would say, 5 to 6 inches before I come to

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1 the groin area just simply due to the fact it is
2 sensitive, and then I'm going to turn my hand so
3 that I'm not using, say, the blade of my hand in the
4 area of the groin. And I want the person that I'm
5 performing that on to feel comfortable as well as
6 if, you know, they're not -- they're not being
7 violated in any way. So it would be the back of my
8 hand usually, like I said, between 5 and 6 inches
9 away from the groin area.

10 Q. And when you say "5 and 6 inches away
11 from the groin area," are you saying that's where
12 you stop or --

13 A. Right. I'm not -- I stop using, say, my
14 palm on the area of the leg that was -- that was
15 closer to the groin.

16 Q. Well, and when you have, for example,
17 just hypothetically, like a suspect that hides
18 something in maybe their underwear, for example, how
19 do you go about patting down a female?

20 A. I don't.

21 Q. So you just --

22 A. If there's any reason for me to believe
23 that she's hiding something in that area, I'm going
24 to get a female deputy to do the pat search.

25 Q. Okay. Understood. Yeah, okay. That

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1 makes sense.

2 And so when you have a male, for example,
3 that you need to pat down in the groin area, how
4 does the pat-down differ for a male?

5 A. It's never to the point where -- so I'm
6 going to use the blade of my hand and go up each
7 thigh. I'm not going to stop like I would with a
8 female nor am I going to use the back of my hand;
9 however, I'm going up, not to the genitals, more
10 just to the groin. It's -- I'm not touching their
11 genitals in any way.

12 Q. When you say the blade of your hand, can
13 you help me understand what you're meaning by that?

14 A. Sure. I would say it's the index finger
15 as well as all the way up to the -- to the first
16 knuckle, kind of like this (indicating).

17 Q. Understood.

18 And is the policy that you pat down the
19 inner thigh up until it meets resistance of the
20 groin?

21 A. Yes.

22 Q. Okay. And you're saying that you don't
23 touch the genitals of the male when you do a
24 pat-down?

25 A. No, I do not. The only time that that's

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1 going to happen is -- and it didn't typically happen
2 ever because if we suspected that they were in
3 possession of drugs, weapons, things along that line
4 and they were being arrested, then you're going to
5 take them to jail, and they're going to proceed to
6 do a strip search of them -- of a male suspect. As
7 I said, it's -- with a pat-down search of a male,
8 I'm just searching for weapons, and that's it.

9 Q. Understood. Got it. All right.

10 When you graduated with your degree in
11 criminal justice, did you go directly to work for
12 the sheriff's office?

13 A. It was approximately a year after I had
14 graduated from the police academy that I was hired
15 with Carson City Sheriff's Department.

16 Q. And did you take the POST Academy
17 training?

18 A. Yes, I did.

19 Q. Is that what you were referring to? When
20 you say academy training, was it the POST training
21 that you did?

22 A. It was not Nevada State POST. It was
23 Western Nevada Peace Officers Academy.

24 Q. Okay. Now, we already mentioned this,
25 but Ms. Leuthauser testified that she had

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1 volunteered -- was it for the Carson City Sheriff's
2 Office?

3 A. No, it would have been more for the
4 academy.

5 Q. Oh, it was in the academy that she
6 volunteered?

7 A. Indeed.

8 Q. Okay. And what was she doing when she
9 was volunteering for the academy?

10 A. She would just come into a classroom
11 setting and volunteer her time to let us try to pat
12 search her for weapons.

13 Q. Have you ever written any statements
14 about Ms. Leuthauser's experience with the TSA
15 screening on June 30th of 2019?

16 A. Written statements, no.

17 Q. Okay. No emails to the TSA or anything
18 like that to your memory?

19 A. Not that I can recall.

20 Q. Okay. Do you recall giving verbal
21 statements to TSA?

22 A. No, I don't recall giving it to TSA.

23 Q. Okay. But did you give verbal statements
24 to anyone other than the TSA?

25 A. Yes, I vaguely remember giving a verbal

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1 statement to the Inspector General's Office for
2 Homeland Security.

3 Q. Okay. How did it come to be that you
4 were speaking to the Office of Inspector General?

5 A. As we'd stated before, we were just
6 trying to find someone to help, and that was one of
7 the places that I had found to file a complaint
8 with.

9 Q. Okay. And I thought -- and correct me if
10 I'm wrong because I know you were sitting there -- I
11 thought Ms. Leuthauser said that it was her cousin
12 that suggested to contact the OIG. Did I get that
13 wrong?

14 A. Yeah. I'm sorry. It was the senator's
15 office that she had suggested.

16 Q. Understood. Okay. I may have mixed that
17 up.

18 Okay. So it was on your suggestion to
19 contact the OIG then; is that fair?

20 A. Yes, ma'am.

21 Q. Okay. And so was it you that contacted
22 OIG first?

23 A. Yes.

24 Q. Okay. And tell me, what statement did
25 you provide to the OIG?

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1 A. It was -- it would have been a very
2 summarized, you know, detail of what happened. But
3 I don't exactly recall what I had said verbally to
4 them as I didn't have anything written down. As I
5 said, it would have been a summary of the situation
6 to them as she had explained it to me.

7 Q. Understood. Okay.

8 And do you recall any specifics as to
9 what you conveyed to OIG?

10 A. Not anything that I would be comfortable
11 elaborating on. It's been a long time; so I
12 couldn't say for sure. So, yeah, I don't recall
13 exactly.

14 Q. What is your understanding of how the
15 pat-down was performed that Ms. Leuthauser, you
16 know -- the subject of her lawsuit here?

17 A. Oh, that her lady area was penetrated.

18 Q. Okay. Anything else?

19 A. No, that was the only thing that I could
20 -- that I was really concentrating on just simply
21 due to my training and experience and knowing that
22 Nevada Revised Statutes say, you know, anything
23 that's penetration, however slight; so it was my
24 understanding that it was sexual assault.

25 Q. Okay. And that was the purpose for

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1 contacting OIG; is that fair?

2 A. Yes, ma'am.

3 Q. Okay. And so when you made contact with
4 OIG, did they ask you for any written statement or
5 anything like that?

6 A. No, they did not.

7 Q. Okay. What were the next steps then
8 after you made contact with OIG?

9 A. I believe the agent, Sandy Downs, had
10 given me a call probably within a few days after
11 putting in the complaint and spoken with me in
12 regards to what had happened, and I related to her
13 that I would give her my wife's phone number and she
14 could contact her, which I believe she did.

15 Q. Okay. And it sounded like when you say
16 "I believe she did," meaning your wife contacted
17 Sandy Downs. Do you know for sure whether that
18 occurred or not?

19 A. No. I believe it was Sandy Downs that
20 actually contacted my wife via telephone, and I have
21 no idea whether or not that occurred.

22 Q. Okay. Were you present in the room when
23 your wife was talking to Sandy?

24 A. I had given her the phone number, and she
25 had called; so it was -- I don't believe I was

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1 there.

2 Q. Do you have any memory of talking to
3 anybody specifically at the TSA?

4 A. No, I do not.

5 Q. Do you remember speaking to a TSA
6 employee by the name of Carie Muirhead?

7 A. Carie Muirhead. It sounds familiar, but
8 I'm not quite a hundred percent on that.

9 Q. Okay. And you said you're not
10 comfortable with reconveying what you reported to
11 the OIG based on your memory?

12 A. No, I'm not. It's -- as you said before,
13 it's been over a year, and I don't have a report to
14 look at; so I don't feel comfortable just going off
15 of my own recollection.

16 Q. Okay. Now, I understand from
17 Ms. Leuthauser that you were the one who dropped her
18 off at McCarran Airport on June 30th of 2019. Is
19 that right?

20 A. Yes, I was.

21 Q. Okay. So you dropped her off at the
22 airport, and is it fair for me to assume then that
23 you departed the airport, you were not present when
24 she was inside the airport?

25 A. Yes, I departed.

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1 Q. And did you return back home, or where
2 were you headed to that morning?

3 A. I believe I just returned home.

4 Q. Now, I assume there comes a time when you
5 received a phone call from Ms. Leuthauser while
6 she's at the airport?

7 A. Yes, I did.

8 Q. Okay. And at what point in time
9 approximately -- do you believe that you received
10 the call before she went through TSA screening or
11 would that have been afterwards?

12 A. It would have been afterwards.

13 Q. Okay. And was it to your recollection
14 that she had already gone through TSA screening at
15 that point when she called you?

16 A. Yes, she had.

17 Q. Okay. Now, I understand that she also
18 walked over to the Metro, the Las Vegas Metropolitan
19 police officers that were there. We can just
20 shorten that to "Metro officers" if that's okay.
21 And when Ms. Leuthauser walked over to the Metro
22 officers, you were still on the telephone or the
23 cell phone; right?

24 A. Yes, I was.

25 Q. Okay. And did you speak to the police

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1 officers?

2 A. Yes, I did. I spoke to one police
3 officer.

4 Q. Okay. And do you have any memory of what
5 that officer's name was?

6 A. No, I do not.

7 Q. Okay. The name of Dempsey Lauderdale,
8 does that sound familiar to you at all?

9 A. Not at all. He did not give me his name
10 when I spoke to him.

11 Q. Okay. And what did you understand the
12 purpose was of you talking to the officer?

13 A. In order to help my wife with the
14 situation that had just occurred.

15 Q. Now, was it your request to talk to the
16 officers, or how did it go about?

17 A. She was -- she was very distraught, and I
18 had asked if there was any police officers in the
19 area, and she said that there was. So she made her
20 way to that group of police officers that were
21 there. And she was crying and was really having a
22 difficult time getting the information to them. She
23 asked them, "Could you please speak to my husband?"
24 which he stated, "I don't usually, but I will."

25 When I spoke to him on the

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1 phone -- because it's been a while, I don't recall
2 exactly what -- what that conversation consisted of.
3 What I do remember was that he said he was unable to
4 take a report.

5 Q. And do you recall any more specifics
6 about what you told him?

7 A. No, I don't.

8 Q. I assume you told him something which
9 would, you know -- what you wanted him to take a
10 report about.

11 A. As far as I remember, yes.

12 Q. Okay. And as far as you know, you don't
13 recall what you said to him, but he said he was
14 unable to help you?

15 A. Yes.

16 Q. And what was your understanding as to why
17 he was unable to help?

18 A. It would have been in -- it would have
19 been speculation in my case. I assumed it was
20 something jurisdictionally, and that was -- that was
21 kind of what I related to my wife.

22 Q. Okay. Understood.

23 But he didn't say it was
24 jurisdictionally. It was just, you know, he said to
25 you he can't help, and that was your understanding

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1 that you communicated to Ms. Leuthauser. Did I get
2 that right?

3 A. He might have said something about
4 jurisdiction, but as I said, I don't really recall.

5 Q. Okay. And do you recall him saying
6 anything about Metro's procedure for patting down
7 just to kind of ease your mind at all?

8 A. Not at all.

9 Q. Well, are you saying you don't recall, or
10 are you saying he did not say that?

11 A. So when I was on the phone with her and
12 he said that there was -- you know, basically
13 relayed that there was nothing he could do, he gave
14 the phone back to my wife and she began talking to
15 me again. And nowhere in that time would he have
16 even had the opportunity to explain how a pat search
17 would have gone because she was on the phone with me
18 still.

19 Q. But do you remember him saying it to you
20 at all?

21 A. Not at all.

22 Q. Did you convey that -- you know,
23 sometimes former police officers, when they come up
24 to another police officer, they say, "Hey, you know,
25 I was a police officer at one point. Can you help

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1 us out?" Did you ever communicate to him that you
2 had previously worked at the sheriff's office?

3 A. Yes, I did. And that was basically the
4 reason he gave that he was willing to speak with me
5 on the phone. He told her something along the lines
6 of, "I don't usually talk to people on the phone."

7 But she explained to him that I was a
8 former police officer, and he then took the phone
9 from her to speak to me.

10 Q. Okay. And that's the best you can recall
11 about your communication?

12 A. Yes. Unfortunately, like I said, it's
13 been such a long time, I don't really feel
14 comfortable just due to the fact I didn't write a
15 report on it or anything else. I have nothing to
16 refresh my memory.

17 Q. Have you read any of Michele's statements
18 that she's provided about --

19 A. Yes, I have.

20 Q. Okay. And when's the last time you read
21 her statements?

22 A. Shortly after the incident occurred. I'd
23 say maybe one to two weeks after it occurred.

24 Q. Okay. Do you recall the Metro officer
25 referring you to the TSA management or anything like

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1 that?

2 A. I don't recall.

3 Q. And Ms. Leuthauser does end up making her
4 flight that day; right?

5 A. Yes, she did.

6 Q. Now, how did it come to be that you
7 reported it to the OIG?

8 A. As I said, both of us were just looking
9 for a way to -- looking for a way to help the
10 situation. So my wife was going through TSA in
11 regards to a complaint or what have you, and then I
12 found Department of Homeland Security had an
13 inspector general, and that was -- we were, you know
14 -- we were kind of working together just to find
15 somebody to resolve the situation.

16 Q. And when you were speaking with OIG, do
17 you have any understanding as to the outcome of what
18 they did?

19 A. No, none.

20 Q. Okay. Did you ever make any follow-up
21 phone calls to Sandy Downs?

22 A. No, I did not.

23 Q. Any reason why not?

24 A. I figured after my wife's seeking legal
25 counsel that going any further in that regard was

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1 kind of a moot point; so we just continued with
2 Mr. Corbett in regards to his help.

3 Q. Okay. Understood.

4 And I think Ms. Leuthauser testified that
5 she had retained Mr. Corbett maybe a week or so
6 after the screening, which occurred on June 30th,
7 2019. Does that comport with your recollection?

8 A. I don't recall exactly.

9 Q. Do you recall whether or not you had
10 retained Mr. Corbett before or after reporting this
11 to OIG?

12 A. I don't recall.

13 Q. Did anybody from OIG or TSA explain how
14 the pat-downs are generally performed?

15 A. No.

16 Q. And you already said you don't recall
17 speaking to anybody at TSA; right?

18 A. Nope.

19 Q. Okay. Do you recall telling the OIG that
20 Ms. Leuthauser had some childhood trauma, I think
21 was the words?

22 A. Possibly. I don't recall exactly.

23 Q. And is there any reason why you thought
24 that they should know that?

25 A. Just due to mental health. I think that

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1 it would be a different circumstance in regards to
2 that, especially if she had explained that she was
3 sexually abused as a child and had explained that to
4 the TSA. I felt that that was pertinent information
5 for the OIG's office.

6 Q. Well, what do you mean when it would have
7 been a different circumstance?

8 A. I'm sorry. What was that?

9 Q. You said that it would have been a
10 different circumstance if they had known that --

11 (Simultaneous conversation.)

12 Q. -- reporting to OIG; so I'm wondering
13 what you meant by that.

14 A. I felt like it was a circumstance that
15 needed to be included simply due to the fact that
16 after having explained that she was sexually abused
17 to TSA and them not taking the proper procedures in
18 regards to that, I felt that that was pertinent
19 information to give to the inspector general's
20 office.

21 Q. What procedures were you looking for the
22 TSA to do after reporting that?

23 A. In regards to mental health?

24 Q. Right.

25 A. Something that would have been much,

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1 much, much more professional.

2 Q. When you're saying "they" and
3 "something," are you talking about OIG or are you
4 talking about TSA just for clarity?

5 A. When I say "they," I'm saying the TSA.
6 And if she had explained that she had been sexually
7 abused as a child prior to a pat-down and they
8 didn't take any other precautions in regards to
9 that, I think that that was extraordinarily
10 unprofessional.

11 Q. Okay. If you don't mind, I'm just going
12 to take a brief break. Is that okay? Maybe like
13 five minutes.

14 A. Absolutely.

15 Q. Thank you. I appreciate it.

16 (Recess taken from 9:34 a.m.
17 to 9:40 a.m.)

18 BY MS. SMITH:

19 Q. Mr. Leuthauser, I don't have any
20 additional questions for you. Just want to say I
21 appreciate your time.

22 A. Absolutely. Thank you very much.

23 MS. SMITH: I'll pass the witness.

24 MR. CORBETT: I don't have any questions
25 either.

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1 MS. SMITH: All right. Thank you.
2 Mr. Leuthauser, as you may have caught
3 from Ms. Leuthauser's deposition, you have the
4 opportunity to review and sign the transcript if you
5 wish. You are able to waive that as well. What
6 would you like to do? Would you like to review and
7 sign?

8 THE WITNESS: Mr. Corbett?

9 MR. CORBETT: It's up to you. I'm not
10 sure there's too much to review here.

11 THE WITNESS: Then I will decline.

12 MS. SMITH: Okay. That's sounds good.
13 All right. Thank you.

14 THE REPORTER: Mr. Corbett, would you
15 like a copy?

16 MR. CORBETT: No.

17 (Deposition recessed at 9:42
18 a.m.)

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CERTIFICATE OF WITNESS

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I, ALEXANDER LEUTHAUSER, witness herein, do hereby certify and declare under penalty of perjury the within and foregoing transcription to be my deposition in said action; that I have read, corrected and do hereby affix my signature to said deposition.

23

24

ALEXANDER LEUTHAUSER
Witness

Date

1

REPORTER'S CERTIFICATE

2

STATE OF NEVADA)
3) ss
COUNTY OF CLARK)
4

5 I, Suzanne M. Stone, a duly certified court
reporter licensed in and for the State of Nevada, do
6 hereby certify:

7 That I reported the taking of the deposition
of the witness, ALEXANDER LEUTHAUSER, at the time
8 and place aforesaid;

9 That prior to being examined, the witness was
10 by me duly sworn to testify to the truth, the whole
truth, and nothing but the truth;

11 That I thereafter transcribed my shorthand
12 notes into typewriting and that the typewritten
transcript of said deposition is a complete, true
13 and accurate record of testimony provided by the
witness at said time to the best of my ability.

14 I further certify (1) that I am not a
15 relative, employee or independent contractor of
counsel of any of the parties; nor a relative,
16 employee or independent contractor of the parties
involved in said action; nor a person financially
17 interested in the action; nor do I have any other
relationship with any of the parties or with counsel
18 of any of the parties involved in the action that
may reasonably cause my impartiality to be
questioned; and (2) that transcript review pursuant
19 to FRCP 30(e) was waived.

20 IN WITNESS WHEREOF, I have hereunto set my
hand in the County of Clark, State of Nevada, this
21 22nd day of April 2021.

22



23

Suzanne M. Stone, CCR 970, RPR

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